

REMARKS

Summary

Claims 1-18 are pending the present application. In the last office action, claims 1-3, 5-6, 10-11, and 13-17 were rejected under 35 U.S.C. §103(a) as being obvious in light of *Akhavan*. Claims 4, 7-9 were rejected under 35 U.S.C. §103(a) as being obvious in light of *Akhavan* and applicant's admitted prior art (APA).

Applicants have provided typographical corrections to independent claims 1, 10, and 15, and have provided arguments that to show that the present invention is nonobvious in light of *Akhavan*.

10

§103(a) Rejection of Claims 1-3, 5, 6, 10, 11, and 13-17 over Akhavan

Claims 1, 10 and 15

15 1. *Applicants incorporation of the switching function into the base station is not an obvious variation in light of Akhavan because it does not require a call forwarding function to be present in the cellular telephone system available to the subscriber.*

Applicant's respectfully assert that the Examiner's characterization of incorporating the MSC into a base stations so as to lower system complexity and prevent overuse of the MSC as being obvious represents an incomplete picture of the present invention. While Applicants do not disagree that engineering decisions could play a role in making such 20 determinations, the operative differences between the present invention and *Akhavan* are of a nature such that this architecture would not have been obvious for these reasons.

The *Akhavan* invention requires that the cellular telephone system have a cellular call forwarding service available. “The use of this control technique... requirements are that the cellular telephone system have cellular call forwarding service available to a subscriber...”

18/7-15. This is required because the base station of *Akhavan* does not have the switching capability of the present invention and implements the forwarding via a request for cellular call forwarding to the MSC (which must support it). 17/60-65.

The present invention, by implementing the forwarding function within the base station, does not require that the cellular system itself have a call forwarding function, nor that the base station make a call forwarding request.

10

2. *Akhavan discloses a direct routing of calls when the subscriber using the mobile device changes from the home zone to the cellular system, and hence must rely on the assistance of a home and visitor location register for routing, whereas subscriber calls are all generally directed to the home area base station in the present invention, and the routing is then performed by the base station.*

Akhavan states, “When the subscriber stations 310 roams out of the “home” zone, a radio link is established with the nearest cellular base station 304. This location is transmitted through the mobile switching center 303 and stored in the home location register 305 so that incoming calls for the subscriber 310 can be routed to the correct base station to establish cellular communication.” 21/63-22/2. The information in the home location register is thus required to provide a direct routing by the cellular system when contacting the subscriber.

In contrast, in the present invention, calls directed to a subscriber are generally routed to the home area base station, not the base station indicated in a home location register.

Although applicants do not disagree with the Examiner's observation that using a base station to determine the availability of a user at that base station alone is not a novel or nonobvious application of a base station function, it is the base station's determination of non-presence in combination with its further action of rerouting of the call to the sub-communication network 5 that represents a nonobvious advance over *Akhavan* and routine engineering practices.

Claims 2, 10 and 16

3. *The personal phone number (PPN) in Akhavan is forwarded to the cellular telephone system in the framework of establishing communications between a mobile device and a base station, and not in the rerouting of a call within the sub-communication network.*

10 *Akhavan* establishes the call forwarding at an earlier stage than the present invention. "The key instructions that are sent constitute a request for cellular call forwarding when a base station has established communication with an appropriate subscriber hand-set or portable station." 17/44-47. "Thus, the communications from the transmitter 103 to the cellular 15 telephone system will contain the PPN of the hand-set currently in communication with the base station 100..." 17/60-63.

20 Since the home base station of the present invention transmits the PPN at the time a call is generally routed to it (each and every time, after a check to see that the mobile device is not accessible by the home system), it does not require the utilization of the forwarding function of the cellular phone system as discussed above.

Applicants furthermore incorporate the arguments made under paragraphs 1 & 2 above relating to the independent claims from which each of these claims depend.

Claims 6, 14 and 15

4. *Akhavan does not disclose rerouting the call using the ISDN standard call deflection/forwarding.*

As discussed under paragraph 3 above, *Akhavan* discloses a cellular call forwarding of 5 a call when a base station has established communication with an appropriate subscriber hand-set. The cellular call forwarding doesn't represent a special feature of a communication network, but indicates the forwarding of a call from the hand-set via the base station to the cellular telephone network. Contrary to the disclosure in *Akhavan*, the call deflection in claim 6 represents a special ISDN feature. In assistance with this feature, a call can be rerouted to a 10 further terminal equipment of the same network or a different network where the destination address or telephone number must be indicated. Hence, this feature, in combination with the features of the independent claim from which this depends, are not obvious in light of *Akhavan*.

Applicants furthermore incorporate the arguments made under paragraphs 1 & 2 above 15 relating to the independent claims from which each of these claims depend.

Remaining claims 2-5, 7-9, 11-13 and 17-18

Applicants rely on the above arguments related to the independent claims from which 20 these remaining claims depend.

For all of the above reasons, Applicants respectfully request that the Examiner withdraw the obviousness rejection of the above claims.

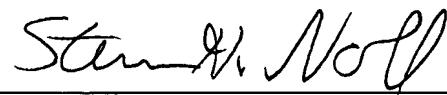
Conclusion

As applicants have noted above, the implementation of the switching function in the home base station as claimed in the present invention serves a much broader and functionally different role than simply the reduction of complexity and load on the MSC, and is
5 distinguishable over the cellular system that is disclosed by *Akhavan*. The defendant claims that contain additional limitation that might be construed as obvious variations when considered alone are non-obvious when considered in combination with the limitations of the claims from which they depend.

Minor typographical corrections have been made to dependent claims 1, 10 and 15.

10 Inasmuch as each of the rejections have been overcome by the amendments, and all of the examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that this application be passed to issue.

Respectfully submitted,

15  (Reg. No. 28,982)

Steven H. Noll
Hill & Simpson
A Professional Corporation
20 85th Floor Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 876-0200
Attorneys for Applicant